only applies where the adverse parties are affiliated with other religions.

2. The Respondent also contends that there was no prejudice to the Petitioner because the report of the Respondent's own resident orthopedic surgeon, who treated Mrs. Schwartz setting forth the manner in which the accident occurred was inaccurate, and no reliance was placed upon it by the Respondent. This is also not correct. It was the Respondent who offered the hospital records with the history to which the Petitioner specifically objected. Notwithstanding, the Respondent did not delete the report from its exhibit, but presented it as an entirety against Petitioner's objection, thus representing it as a true and correct copy of the hospital records, worthy of belief by the jury. At no time did the Respondent state to the jury that the history was incorrect and should be disregarded. Otherwise, it would not have been admitted in evidence.

In order to be admitted under the shop book rule, the hospital record must be made contemporaneously with the occurrence of the event or shortly thereafter, and must be believed to be true. In addition, the history must be necessary for the diagnosis and treatment of the patient. Such situation did not exist in this case.

3. The Respondent also contends that there was no prejudice injected by anyone. The fact still remains that it was the hospital records, which the Respondent offered and urged the Court to admit as its exhibits, which contained the objectionable features which largely forms the basis of the Petition to Certify. Thus, hospital records which identified Petitioner's religion and also presented to the jury two versions of the occurrence of the accident directly attributable to the Petitioner at variance with each other, went into evidence at Respondent's request. Its prejudicial effect is quite apparent, as the Ohio Courts have

recognized in cases, which unfortunately they did not see fit to apply to the Petitioner. *Pryor* v. *Webber*, 23 Oh. St. (2d) 104, 110 and *Dorsten* v. *Lawrence*, 20 Oh. App. (2d) 297.

In so doing, the Respondent destroys the credibility of a party as a witness, impeaches her, and makes her unworthy of belief.

It is evident that the Respondent does not in its Memorandum face the issues presented in the Petition. They are mainly issues which it itself by its activity created.

The questions presented by the Petitioner are important and substantial and she suggests that this is a case which ought to be reviewed to settle such questions.

Respectfully submitted,

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